RECORD OF MUTATIONS (STANDING ORDER NO. 23- A)[1]

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PART I

PRELIMINARY

1. By virtue of the powers vested in the Hon'ble Revenue Minister under [1]Section 43 of the Jammu and Kashmir Land Revenue Regulation (No. 1 of 1980), the following mutation Hidayats are hereby issued with the sanction of His Highness the Maharaja Bahadur : —

[2][*Explanation.*—In these Hidayts, excluding para 74-A, the Naib Tehsildar includes the Settlement Naib Tehsildar; the Tehsildar includes the Settlement Tehsildar; the Deputy Commissioner includes the Settlement Officer and the Commissioner includes the Settlement Commissioner.]

2. **Disposal of counterfoil Mutation Registers.**—Every Patwari shall be supplied with a register consisting of a foil and a counterfoil for each mauza (estate) under him. The counterfoil and foil sheet shall be numbered in the Press from 1 to 25 to 50 or to 100 according to the necessity of each Mauza. [3][The numbering of the sheets shall be continuous on both the foil and the counterfoil and these registers shall be maintained in the Stationery Depots from where they can be obtained from time to time, but no Patwari shall be entitled to keep more than one register for each Mauza with him, and each new register shall be opened when the older register has been used up.)

The title page (Peshani) of the register should be as under :

(i) Mauza.....Hadbast No. .....

(ii) Tehsil.....

(iii) District.....

(iv) No. of leaves.....

(v) Date of issue of the register.....

1. Now Section 33 of Land Revenue Act, 1996.
2. *Subs.* by Government Order No. LCB-7C of 1957, dated 18.10.1957 Government Gazette, dated 15.11.1957.
3. *Vide* Revenue Department correction slip, published in Government Gazette, dated 31st Jeth, 1992.

The entries on the title page, concerning the name of the Mauza, the number of leaves and the date of issuing register should be made in the hand of the [1][Assistant Collector of the first class.)

3. No alteration allowed in Jamabandi entries without mutation order. —(a) No change can be made in the entries of the last Jamabandi relating to the rights of :

(i) Land-holders;

(ii) tenants;

(iii) Mortgagees;

(iv) lease-holders and

(v) assignees of land revenue;

without the order of a competent Revenue Officer passed on the Mutation Register, even though any order for making change may have been passed on a separate file :

Provided that in cases falling under clause (b) of this paragraph [2][or paragraph 98, or clause (1) of paragraph 100] orders for change of an entry should be obtained on the Fard Badr :

Provided further that undisputed cases of [3][changes concerning tenants-at-will except those under the State] and cases of undisputed leases for a period not exceeding one year, are taken straight to the Jamabandi from the Khasra Girdawari :

Provided also that the order of His late Highness the Maharaja Bahadur dated 12th January, 1912 (notified under Revenue Ailan No.4, dated 13th Jeth, 1969 and Ailan No. 11 dated 27th Har, 1969) raising the status of all tenants-at-will holding directly from State, to that of occupancy tenants should be given effect to by recording a note about it in red ink in the "Remarks" column of the Jamabandi.

N.B.—"Lease holders" means persons holding land as tenants on written leases.

When a Jamabandi is under preparation, mutations written up but not yet attested, cannot be given effect to in that Jamabandi; but a Kaiflyat should be entered in the "Remarks" column against the holding, referring to the number of the mutation pending; for instance—

The change regarding.....entered in mutation number.....on which no orders have yet been passed.

1. *Subs.* by Government Order No. LCB-7/C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the words "Revenue Assistant or the Wazir Wazarat".
2. *Subs.* by Government Order No. LCB-7/C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the words and figures "and clause (1) of paragraph 100".
3. *Subs.* by Notification No. SRO-194, dated 4.7.1964, for the words "change concerning tenants-at-will".

(b) *Fard Badr.*—Jamabandi entries should not be varied in subsequent records without first obtaining orders for their variations, on mutations entered for this purpose, except where the variation merely consists in the removal of a clerical mistake, that is to say, of a mistake which has been made in copying the entries of one Jamabandi into another or in incorporating a mutation in Jamabandi and the correction of which does not involve the alteration of any mutation order subject to the exception noted below. Orders for the correction of such mistakes in subsequent records should be obtained on the Fard Badr, the form of which is given below :

1	2	3	4	5	6
S. No.	No. of holding in last Jamabandi	No. of holding in new Jamabandi	Patwari's report	Girdawar's report	Orders of the attesting officer

Whenever a clerical mistake is detected in current Jamabandi after it has been finally attested and filed, whether that mistake was originally made in that or in any previous Jamabandi, the Patwari should make the necessary entries about it in the first four columns of the Fard Badr. His report in the fourth column should be as brief as possible. For instance, if any field has been omitted by mistake from any holding, the report should merely state that such and such field has been omitted; and if any proprietor's share has been entered as one-half instead of one-third, the report should merely state that the share should be one-third and not one-half. The Girdawar should from time to time examine the Fard Badr entries and enter his own report in column 5 of Fard Badr. His report should also be as brief as possible, and when he finds that he has nothing to add to the Patwari's report, he should merely put his signature in this column. In passing orders on any Fard Badr entry the Revenue Officer should see whether it actually relates to a clerical mistake which under the present instructions should be dealt with in the Fard Badr; and if he finds that it relates to such a mistake, he should record an order for the correction of the mistake in question in column 6, otherwise he should order that the Fard Badr entry in question should be considered as cancelled. It will not be necessary to hear the parties concerned in connection with the disposal of Fard Badr entries.

The only clerical mistakes in Jamabandi entries, orders for the correction of which in a subsequent record should not be obtained on the Fard Badr, are those which cannot be conveniently described in the Fard Badr. The difficulty of describing a clerical mistake in the Fard Badr, may, for instance, arise where the mistake relates to the share of a owner whose name enters into several different combinations in the Jamabandi entry relating to the same holding. A few blank sheets of the Jamabandi size will be stitched to the Patwari's copy of each Jamabandi, and the form of the Fard Badr will be drawn on them by hand. When the next Jamabandi is prepared, a copy of the Fard Badr attested by the Girdawar will be attached to the Government copy of that Jamabandi,

4. **Duty of transferee to report transfer and fine for omission to do so.**—Any person acquiring by inheritance, purchase, mortgage, gift or otherwise

any right in an estate as a land-holder, assignee of land Revenue, or tenant having a right of occupancy [1][or any person acquiring by inheritance or otherwise a right of protected tenancy] shall report his acquisition of the right to the Patwari of the estate.

If the person acquiring the right is a minor or otherwise disqualified, his guardian or any other person having charge of his property shall make a report to the Patwari.

The Patwari shall note in his Roznamcha Waqiati and enter in his register of mutations every report made to him under this paragraph and shall also make an entry therein respecting the acquisition of any such right as aforesaid which he has reason to believe to have taken place and of which a report should have been made to him under one or other paragraphs and has not been so made.

If any person acquiring any right in an estate fails to inform the Halqa Patwari such a transfer within a period of three months, he may after being heard in this connection be fined by any officer not below the rank of an [2][Assistant Collector of first class]. A separate file shall be kept of all such orders passed. The fine in this connection shall not extend to more than [3][five times] the fee chargeable on the entry of such mutation.

Note.—The Lambardar of an estate shall be bound to report any such transfer to the Halka Patwari, and in case of default he may be dealt with under [4][the provisions of Lambardari Rules].

PART II

DUTIES OF THE PATWARI

5. Patwari to enter mutations promptly.—Any Patwari, who without sufficient cause has failed to enter in the register of mutations, the case of any transfer by :—

(i) inheritance, within three months of the death of the right holder;

(ii) a registered deed, within one month of the receipt of the memorandum;

[5][x x x x]

shall be liable to punishment of imposition of fine or degradation, unless he can prove that he had no means of discovering the transfer at the first harvest inspection which was made after the said date.

Any Patwari who receives any fee not recognised by these instructions for the performance of any of his duties shall be liable to punishment which may be his dismissal from service.

1. *Ins.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957).
2. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Tehsildar".
3. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "ten times".
4. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "Good Conduct Rules of Lambardars".
5. *Omitted* by C.O. No. LCB/7-C of 1957, dated 18.10.1957.

The Patwari is bound to write up at once in the register any mutation, of which report is made to him by the transferee under paragraph 4. If no such report is made to him, but he has reasons to believe that any such right has been acquired, in that case he shall make an entry in the register of mutations respecting the acquisition of the right, as soon as the transfer of the right appears to have been acted upon.

Any Patwari who is found to have neglected this duty should be suitably punished. Whenever a Patwari has occasion to visit a Mauza, he should ask the Lambardars and others whether there is any mutation to be entered, and should make a note of the enquiry and its result in his Roznamcha Waqiati (Diary).

On hearing of a mutation, the Patwari should at once make an entry thereof in his diary which he should sign and to which he should affix the signature, seal or thumb mark of his informant; and if this can be done, *e.g.*, in simple cases of inheritance, he should proceed to write up the mutation completely there and then. If the case is such that the Patwari has to see who is in possession, he should at once write up the mutation as far as he can, noting in the last column that possession has still to be ascertained and enquired into; a supplementary report regarding possession should be added as soon as the facts can be ascertained at the next Girdawari or earlier . The Kanungo should see that completion of the report is not unduly delayed and may complete it himself at his next inspection, if he finds it can be done.

6. **Form of Mutation Register.**—The form of the register of mutations is given below for adoption throughout the whole State :—

Register of Mutation of Mauza.....Tehsil District.....

1	2	3	4	5	6			7
	Entry in 1st Jamabandi which it is proposed to correct							
					Description of area			
Sl. No. of entry	No. of holding in last Jamabandi	Taraf, Patti, Mohra or well	Owner (xxx) with description	(Tenant/Cultivator) with description	No. of Khasra and detail of fields	Area	Soil	Revenue or rent, and whether cash or

8	9	10	11	12			13	14	15	16
New Entry which it is proposed to substitute										
				Description of area						
No. of holding in New Jamabandi	Taraf, Patti, Mohra or well	Owner [1](xxx) with description	[2](Tenant/Cultivator) with description	No. of Khasra and detail of fields	Area	Soil	Revenue or rent, and whether cath or kind.	Name and date of transfer with price in case of sale and amount of mortgage debt in case of mortgagee	Mutation fee due	Report and Orders

7. **Mode of entry.**—Before writing up the mutation, the Patwari should complete the entries of the heading, and then fill up columns 1 to 14 in the Parat Patwar (counterfoil) but he should make no entry in column 16 of the Parat Patwar. Having thus filled up columns 1 to 14 in the Parat Patwari, the Patwari will copy these entries in columns 1 to 14 of the Parat Sarkar (foil). He will then write his report in column 16 of Parat Sarkar; in this report he will briefly state the facts explaining the change, the circumstances as to how he was informed of the Waqia (event), the name of persons on whose information the entry is based; and in case of inheritance mutations, the Shajra Nasb (the genealogical table) of the deceased should also be given. The Patwari should require the Lambardar [1][x x x] to attest the entry by seal, signature or thumb impression. The fact of the entry of a waqia having been made in the mutation register should be noted by the Patwari in his Roznamcha Waqiati.

Special instructions for making entries in various columns of the mutation register are given below :—

Column 1.—The numbering of the entries in the mutation register should be continuous for the term of Settlement.

Column 2.—In cases of mutations of ownership [2][x x x] the Khewat No. of the last Jamabandi should be given, while in cases of mutations of [3][tenancy

1. Words "as well as the informant concerned" *omitted* by Government Order No. LCB/7-C of 1957, dated 15.10.1957 (Government Gazette, dated 18.11.1957).
2. Words "as Malguzari or Haq Assami" *omitted* by Government Order No. LCB/7-C of 1957, dated 15.10.1957 (Government Gazette, dated 18.11.1957).
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 15.10.1957 (Government Gazette, dated 18.11.1957), for the words "Occupancy rights".

rights] the Khewat No. should be given above and the Khata No. below, in the following form :—

$$\frac{\text{Khewat}}{\text{Khata}} \quad \frac{5}{25}$$

Column 3.—Name of Taraf, Patti, Mohra or well should be entered if there be any.

Columns 4 and 5.—[1][In case of mutations of ownership, the entries in column 4 and in case of mutations of tenancy rights, entries in column 5, should be in brief. But in cases of mutations of occupancy or protected-tenancy rights and of private partition of any such Khewat where there are occupancy or protected tenants under the partitioners, the entries in column 5 should be made in detail]. When a mutation relates only to a share of an entire holding, there is no need to copy in the mutation the full entries relating to the whole holding; only the part affected by the mutation need be copied in full; *e.g.*, Surat Sabiq—Sher Singh son of Ram Singh two shares, Baqi Badastur 36 shares; Surat Jadid — Jewan Singh son of Sher Singh two shares, Baqi Badastur 36 shares.

Column 6.—In case of mutation of a specified area, the No. Khasra with the name of field, area and classification should be entered. When a whole holding is the subject of a mutation, the No. of Qitas and total area with the description of cultivated, uncultivated, irrigated and unirrigated should be entered.

Column 7.—The land revenue proper or the rent of the transferred area should be given as the case may be.

Column 8.—This column relates to the new number of Khata and will be filled up when the new Jamabandi has been prepared. Meanwhile this column will remain blank.

Column 9.—Same instructions as for column No. 3 above.

Columns 10 and 11.—In these columns the Patwari shall make entries in anticipation of sanction; but if the mutation be a disputed one and the Patwari be not knowing the party in whose favour the entry is to be made, the column should remain blank till orders are passed.

Column 12.—Details of entries should be made in the same way as for column 6, but the entries in this column shall be subject to confirmation by the attesting officer.

Column 13.—Land revenue should be entered in this column; but when the mutation relates to tenancy rights, both the land revenue and the rent be shown. [2][x x x].

Column 14.— Out of the various kinds of mutation.s detailed in para 19, the requisite kind should be entered in this column. The date means the date

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 15.10.1957 (Government Gazette, dated 18.11.1957).
2. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957).

of transfer if known; but if the exact date is not known the harvest of [1][the year] at least should be entered. [2][x x xl.

Column 15.—This column should be blank, in both Parat Patwar and Parat Sarkar, to be filled up by the attesting officer himself after the mutation has been disposed of.

8. **Patwari to certify mutation not entered before.**—In order to avoid erroneous entry of the same mutation twice over, the Patwari is required to certify in his report that he has ascertained that the mutation has not been entered before, and that no Khata concerned has been left out. The Field Kanungo should verify the Patwari's report on both these points.

9. **Numbering of mutations.**—The serial number of mutation cases for each Mauza should be continuous for the whole term of Settlement. Each case (Waqia) should be given a separate number, not each Khata dealt with as in some cases several Khatas dealt with in a single mutation.

It should be noted that if a mutation affects several Khatas in which the interest transferred is not the same, separate mutation will be required, *e.g.*, if a deceased person held [3][proprietary rights in one Khata, occupancy, protected or other tenancy rights in others, separate mutations will be necessary for each right]. Separate mutations are not, however, needed for the same kind of right in joint and separate holdings, and in Shamilat.

Exchanges affecting two or more holdings in the same Mauza should be written up as a single mutation.

In partition cases, there will be one mutation for each case; not a separate mutation for each new holding created by the partition, but a single mutation for all of them.

10. **Each mutation on separate page.**—Each Waqia should be written up on a separate sheet of the register. But, if the entry of Waqia is too long to be completed even on both sides of one sheet, it can be continued on the subsequent sheet or sheets, until completed.

11. **Number of mutations for Karguzaris.**—For purposes of Karguzaris, each Waqia which receives a separate mutation No. is to be reckoned as one mutation, without regard to the number of holdings affected. The Parat Patwar and the Parat Sarkar of a mutation count as one case, not two.

12. **Rejected mutations [4](not) to be entered again.**—Patwaris are strictly forbidden to enter in the mutation register a second time, any mutation which has been written up previously and rejected by a competent officer, without the orders, obtained on separate file, of a Revenue Officer not below the rank

1. *Subs.* by Government Order No. LCB/7-C of 1957 dated 18.10.1957, for the words "Samvat year".
2. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957).
3. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957.
4. *Ins.* by Revenue Department correction slip, published in Government Gazette, dated 31st Jeth, 1992.

of [1][Assistant Collector of first class] who should before issuing any such order satisfy himself that something material has come into existence after the mutation was previously rejected, so as to justify re-entry, as for instance where a mutation has been rejected owing to transfer of possession having not taken place, and the possession is transferred after the mutation was rejected. No [2][Assistant Collector of first class] can order the entry of a mutation a second time except on the ground stated in the instance hereinabove given. If it appears, however, that the Intiqal has been previously rejected wrongly, the remedy for correction of the order lies in resorting to review or revision; no new entry again of the Waqia can be made on this ground.

Nothing contained in this paragraph shall be a bar to a Revenue Officer ordering the cancellation of an entry made a second time, in case where the re-entry has been wrongly made. The Revenue Officer ordering the cancellation should note the serial number under which the Waqia was previously entered in the mutation register; and the Patwari sho be taken to task for his negligence in bringing the Waqia again on mutation register.

13. **Pencil entries, erasures etc. prohibited.**—Pencil entries of any kind are strictly forbidden; nor should entries once made in the register be erased or washed out. If errors are prior to the case being brought before a Revenue Officer, they should be corrected by the Girdawar and attested by his signature with date.

14. **Khaka (Map) of fields required in certain cases.**—In cases of Nautor a tracing of the new field is to be shown on the mutation from (both Parts) with tracing of the Nos. adjoining; or if these are too large to be conveniently shown, the adjoining Goshas at least should be shown . Adjoining numbers cannot be shown in cases where a Nautor occurs as in area Berun Line. In any other case in which a field number is divided by the mutation into two parts, (as in cases of private partition), a tracing (giving measurements of the sides of the partitioned parts) showing how it has been divided should be entered on both "Parts" of the mutation form.

15. **Surat Sabiq entries.**—Where the former Jamabandi entry has already been altered by a previous mutation, the "Surat Sabiq" should show the entries relating to the holding according to the orders passed on the previous mutation to which a reference should be made in the Patwari's report on the new mutation, and the No. of the previous mutation should be noted in column 2 of the mutation register below the number of the holding; but if the former mutation has only been written up and not attested, Surat Sabiq should show the Jamabandi entries unaltered. In this case too, reference should be made by the Patwari in his report on the mutation to the other pending mutation. A note should be added showing what the Surat Sabiq would be if the other mutation be sanctioned.

1. *Subs.* by Government Order No. LCB-7/C of 1952, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the word "Tehsildar".
2. *Subs.* by Government Order No. LCB-7/C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the word "Tehsildar".

16. Cases in which mutation order must show whether a transfer includes a share in Shamilat.—As regards transfers by sale, gift, mortgage or exchange it is necessary to show whether a share of the Shamilat is transferred with the land, and the following instructions should, therefore, be observed on the subject :—

(1) In cases of sale, gift or mortgage, the mutation order should always state whether a share of Shamilat is included in the transfer. In case of exchange the Shamilat is seldom excluded from the transfer and nothing should, therefore, be said about it except where it is excluded when the fact that it is excluded is mentioned in the mutation order.

(2) If a deed of transfer by sale, gift, mortgage or exchange does not specifically mention that a share of Shamilat is transferred with the land it should be presumed that the Shamilat is not transferred.

(3) When a mutation by sale, gift, or mortgage, covers a share of the Shamilat, the Shamilat Khata should be entered the mutation so that the mutation of the co-sharers in the Shamilat may be correctly entered in the Jamabandi.

(4) When the mutation does not cover a share in the Shamilat, then in the column 9 of the mutation sheet and in the ownership column of the Jamabandi the new alienee shall be shown as "Bila Hissa Shamilat" or "Malik Qabza" so as to secure that at partition he should not, simply by being a Khewatdar, receive a share of the Shamilat to which he has no title. The name of the person to whom the Shamilat pertaining to this new Khata belongs shall also be recorded in the column of ownership under that of the new owner with the title "Hissadar Shamilat" and the Khata of new holding shall always be incorporated in the Jamabandi immediately below the Khata of the holding from which it was taken.

(5) When the mutation refers to a mortgage, it is necessary to show the mortgagee as "Murtihin Mia Hissa Shamilat" or "Murtihin Bila Hissa Shamilat", as the case may be.

(6) The following is an example of the kind of entry which should be made in the mutation register when a share of the Shamilat is transferred. It is not intended that the whole of the Shamilat Khata as it stands in the Jamabandi should be copied in the mutation register. The mutation of the share of the Shamilat should be dealt with as part of the same mutation proceedings as the transfer of the original holding, but it is a part in which any of the co-shares of the Shamilat have a right to be heard, and a distinct order should be passed by the Revenue Officer whether the mutation of the Shamilat is sanctioned or not :—

REGISTER OF MUTATIONS OF MAUZA MIRPUR, HADBAST NO-114, TEHSIL MIRPUR, DISTRICT MIRPUR, JAMMU PROVINCE

1	2	3	4	5	6	7
ENTRY IN LAST JAMABANDI WHICH IT IS PROPOSED TO CORRECT.						
S. No.	No. of holding in old Jamabandi	Name of Tarf, Patti, Mohra or well.	Name of owner etc. with description	Name of tenant with description	Khasra No. and detail of field, area and soil.	Revenue or rent.
84	122		Qamar Din son of Noor Illahi caste Jat, resident of the village.	Khud Kasht	4-4 Maira. 87 Rahwala	Net Revenue Rs. 1-7-0
	475 to 490.	...	Shamilat Deh (Hasab Rasad Khewat or as the case may be).	Various owners & tenants	1,845 Kanals of which cultivated 830 be Kanals (unirrigated) uncultivated, 1,015 Kanals.	
			Total Jama of the village Rs. 230			

8	9	10	11	12	13
NEW ENTRY WHICH IT IS PROPOSED TO SUBSTITUTE.					
No. of holding in new Jamabandi	Name of Tarf, Patti, Mohra or well.	Name of owner etc. with description.	Name of tenant with description.	No. of Khasra & detail of field area and soil.	Revenue or rent
		Buland son of Kaka, caste Mughal resident of Sukhchainpur.	Khud Kasht.	474 Maira 87 Rahwala	Net revenue Rs. 1/7
		as before.		K M Share 1110 transferred. As 1833 10	
				Total 1,845 0	

14	15	16
Nature and date of transfer & price or mortgage money	Mutation fee due.	Report and orders
Sold [1](on 8th August, 1955), for Rs. 85 together with the share in Shamilat	Re. 0/8	Sir, Qamar Din, the owner has sold 8 Kanals 7 Marlas of his land with - share in Shamilat to Buland, and the vendee has taken possession as stated by him and corroborated by the Lambardar, Ilim Din. The case has not been entered in the mutation register previously.
		Sd.) SHANKAR DAS, (Patwari)
	Re. 0/8	Dated 20th January, 1956

17. Do not write on margin.—All officials dealing with mutations should be careful to write nothing on the margin of the Parat Sarkar, which may be cut in binding it with the Jamabandi. Further, the officials should also record their orders in column (16) for reports and orders or (in case of insufficient space therein) in the blank space of the mutation sheet so as to avoid the orders being mixed up with the entries in any column of the mutation sheet.

18. Revenue of share mutated to be entered.—When a share in a joint holding is mutated, the revenue of that share should always be shown, [1][x x x].

19. Classes of mutations.—The following kinds of mutations are recognised :

(1) Succession (including succession by Khana Nashin daughter or adopted son); succession also includes succession on account of absence or on the occasion of re-marriage of widows or marriage of daughters.

(2) Partition (Private or by order of a Revenue Officer).

(3) Exchange.

(4) Sale [2][x x x].

(5) Mortgage.

(6) Redemption of mortgage.

(7) [3][Gift or bequest].

(8) [4][Nautor from Khata Khalsa].

(9) Mills and Gharats.

(10) [5][To khata khalsa including land taken up for roads, paths, kuhis, etc.; also dastbardari by owners.]

(11) A. Grant of, or affecting, [6][occupancy or protected tenancy right].
B. Alteration of rent. [7][Concerning occupancy & Protected tenants]
C. Ejectment.
D. Dast bardari or relinquishment of cultivation.

(12) [8][Lease including Wasidari grants].

1. Words *omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957.).
2. Words *omitted* by Government Order No. LCB/7- C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957.).
3. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 8.10.1957, for the words "consent, (Razamandi), including gift,".
4. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 8.10.1957.
5. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 8.10.1957.
6. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 8.10.1957, for the words "Occupancy tenant".
7. *Subs.* by Government Order No. LCB/7-C of 195, dated 18.10.1957, for the words "occupancy tenant".
8. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 8.10.1957, for the word "leases".

(13) Non-occupancy rights.

(14) Mutation of names of [1][assignees].

(15) Mutation of names of managers of temples, mosques or institutions.

(16) Mutation of addition, alteration or excision of names of Sarbarahs of [2][minor female landholders in Kashmir Province, including Frontier districts of Ladakh].

(17) Alterations relating to entries of Ghair Hazir or Ghair Qabiz.

(18) Sehat Indraj.

(19) Tabdil Haqiyat.

(20) Transfer of area from one Mauza to another.

(21) Alluvion, Diluvion.

(22) Shamilat.

(23) Consolidation of holdings.

(24) Decrees or orders passed under any Law.

[3][(25) Mutations under the Big Landed Estates Abolition Act, 20071.

N.B.—Mutations should not be entered regarding changes in the appointment of Lambardars.

20. Mutations regarding tenants-at-will and leaseholders.—Mutations as regards tenants-at-will and lease holders should be entered in cases where there is any dispute, or the lease is for a period exceeding one year. In other cases, changes affecting tenants-at-will and lease holders will be given effect to by entries in the Khasra Girdawari only.

PART III

DUTIES OF THE FIELD KANUNGO [4][x x]

21. Kanungo to check entries.—The duty of the Field Kanungo is especially to see that the Surat Sabiq is correct according to the last Jamabandi (as modified by mutations already sanctioned, if any). He must carefully compare and attest by personal examination of the papers concerned. Every entry made by the Patwari in the Part Patwar and the Part Sarkar, noting briefly that he has done so, with date below his report, in the Part Sarkar. He must sign the entries in both Part Patwar and Part Sarkar.

22. Kanungo to chain broken fields.—The Field Kanungo should specially check the entries of area and soil in both Parts Sarkar and Patwar. In cases of Nautor and in other cases where fields are broken up by the mutation, (the Kanungo should go to the spot, in the presence of the parties, if possible, and check by chaining the measurements made by the Patwari,

1. *Subs.* by G.O. No. LCB/7-C of 1957, for the words "Illaquadars, Jagirdars or Muafidars".
2. *Subs.* by G.O. No. LCB/7-C of 1957, for the words "minor or insane land holders".
3. *Ins.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957).
4. Words "or Munsarim" *omitted* by GO. No. LCB/7-C of 1957, dated 18.10.1957.

and the Aks Khaka entered on the mutation; in Nautor cases he should also see on the spot that no Kuhl or road is obstructed, nor any injury done to camping grounds, grave yards, etc; in case he finds that there is any such objection, he should note it on the mutation.

In case of Nautor from the Khalsa Banjar (waste area) the Kanungo should carefully check the number of trees standing on the land concerned and should certify in his report that he has made the necessary check.

23. **Kanungo to show boundaries in private partitions.**—In case of Private partition (or whenever part only of a Khasra No. is transferred) the Kanungo should take the parties to the spot, and show them the boundaries of their respective fields as shown by the Patwari on the mutation, and the Kanungo should note in his report on the mutation that he has done this.

24. **Kanungo to see that all rules have been complied with.**—The Kanungo is also to see that in every respect the rules have been duly followed by the Patwari in writing up the case.

The Field Kanungo should also verify the Patwari's report (*vide* paragraph 8) that the mutation has not been entered before, or if entered previously but rejected by a competent officer it has not been brought a second time on the mutation, register without the orders of a competent Revenue Officer as required by paragraph 12.

25. **Kanungo's report on mutation.**—The Kanungo should enter all his attestations and report on the Part Sarkar, and should sign with date the counterfoil (Part Patwar).

26. **Kanungo not to call parties unnecessarily.**—It is not the duty of the Kanungo to record the statements of the parties nor to call them before him in ordinary cases; nor he is required to give any opinion as to the orders which should be passed on the case.

27. **Mutations to be entered.**—When the Kanungo, in the course of his inspection, finds that there is any mutation to be entered, he should make a note of it in the Fard Partal and should fill up himself columns 1, 2 and 13 of the mutation register, or he may make the Patwari to do so in his presence; and the Patwari should be ordered to complete the remaining entries.

PART IV

INSTRUCTIONS FOR ATTESTING OFFICERS

28. **Instructions for attesting officers.**—(i) Preparations for the drawing up of a new Jamabandi should be started by the Patwari and Field Kanungo, after Kharif Girdawari in the Jammu Province and after Rabi Girdawari in other parts of the State. They should together visit each estate for which such a Jamabandi is to be prepared and by enquiry from the right-holders ascertain whether any changes have occurred which have not been brought on the record. The Patwari should in presence of the Kanungo (who should have the Patwari's copy of genealogical tree of the Mauza open before him) read out to the people the entries in the existing Jamabandi and note changes in pencil in the remarks columns and in cases in which mutation orders are required,

make the necessary entries in the mutation register. Kanungo should bring the genealogical tree upto date and should check the entries in the mutation register with the Jamabandi and note that they agree. He should help The Patwari to prepare a list of fields which require amendments, The Patwari should later make tracings in pencil of such portions of the Mauza map as require to be amended.

(ii) At the next Girdawari, the Patwari must take up first the estate or estates for which a detailed Jamabandi is to be drawn up, and be very careful to note all changes and fresh cases requiring mutation orders. If the work described in sub-para (i) of this paragraph has been properly done, the new entries in the mutation register should be few in number. They should be made before the harvest inspection of the next Mauza is started. As soon as the crop inspection of the estate for which a new Jamabandi is to be prepared is finished, the Patwari should send notice to the Tehsil.

After receiving this notice the Naib- Tehsildar or Tehsildar concerned must visit the estate as soon as possible and attest all pending mutations.

29. Powers.—Under [1]Section 33 (4) of Jammu and Kashmir Land Revenue, Regulation (No. 1 of 1980), any Revenue Officer can pass such order as he thinks fit with respect to each new entry brought on the mutation register by the Patwari. In practice, however, nearly the whole of the attestation of mutation of work is disposed of by [2][Assistant Collectors of first and second class].

Provided :–

[3][(i) that no Assistant Collector of the Second Class, unless specially empowered by the Financial Commissioner, shall attest a disputed mutation];

(ii) that mutations

(a) under paragraph 64(a) of this Standing Order concerning adoption;

(b) under paragraph 64(b)(1) concerning Khana Nishin daughter etc;

[4][(c) *Omitted.]*

(d) *Omitted.]*

[5][(e) under paragraph 85 for grant of occupancy or protected tenancy right];

(f) under paragraph 87 (b) regarding Nautor in Ladakh and Gilgit Districts;

(g) under paragraph 92 for construction of Gharats etc.;

1. Now Section 24(4) of the Land Revenue Act, 1996.
2. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for certain words.
3. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.5.1957.
4. Clauses (c) and (d) and (i) *omitted* by Cabinet Order No. LCB/7-C of 1957, dated 18.5.1957.
5. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.5.1957.

(h) under paragraph 95 regarding [1](abandonment or relinquishment by or ejectment of occupancy or protected tenants);

[2](i) *Omitted.*

(j) under paragraph 99 sub-para 8(a) for direction to omit the entry of Ghair Hazir or Ghair Qabiz in undisputed cases;

(k) under paragraph 100 clauses [3][2 and 3] regarding Sehat Indraj;

(l) under Rule 9 of the Rules [4][x x x] regarding entry of Shamilat for the Jammu Province issued in connection with Raj Tilak Boon No. 4;

(m) Shamilat mutations in connection with Raj Tilak Boon No. 4 in the Kashmir valley;

[5][(n) under the Big Landed Estates Abolition Act, 2007];

should be attested by the [6][Assistant Collector of first class or any other class of Revenue Officers of higher rank];

[7][(iii) Provided further that mutations under the Big landed Estates Abolition Act, 2007 shall be attested in accordance with the provisions of the said Act.]

[8][(iv) *Omitted.*

(v) *Omitted.*

(vi) *Omitted.]*

30. Procedure to be followed by Revenue officers on finding any mutation to be entered.—Whenever a Revenue Officer comes to know during his tours and inspections that any Waqia is to be brought on the register of mutations, he should proceed as laid down in [9][Para] 27 supra.

31. Orders to be clear.—Officers attesting mutations must give clear orders which should *inter alia* show the place at and the date on which the mutation was attested, which of the parties interested were present, and what the grounds of the order are.

32. Officers should see that instructions have been followed.—The Revenue Officer should see that all entries in the mutation sheets (both Part Sarkar and Part Patwar) are properly and neatly written. He should carefully

1. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.5.1957, for the words "abandonment of cultivation by occupancy tenants".
2. *Omitted* by Cabinet Order No. LCB/7-C of 1957, dated 18.5.1957.
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the words and figures "2, 3, 4 and 5".
4. Words and brackets "(appended to this standing order)" *omitted* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957.
5. *Ins.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957.
6. *Subs.* by G.O. No. LCB/7-C of 1957, dated 18.10.1957, for the word "Tehsildar".
7. *Omitted* by G.O. No. LCB/7-C of 1957, dated 18.10.1957.
8. *Subs.* by G.O. No. LCB/7-C of 1957, dated 18.10.1957 for the word "Section".
9. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.5.1957.

compare the entries in the Part Sarkar and Part Patwar and should correct any clerical error that may be found. He should satisfy himself that the Kanungo has checked the entries properly and has been to the spot in cases which require this. In cases where Nishan Dehi is necessary, the Revenue Officer should inquire and note whether the Nishan Dehi has been done and whether the parties admit it.

33. In cases errors are found.—In cases errors are found, work should not be needlessly increased by rejecting the mutation and ordering it to be written up afresh; if the error can be corrected at the time, this should be done at once, and the officer can then proceed to dispose of the case as usual.

If, however, the Revenue officer cannot satisfy himself on some point, or Nishan Dehi has not been done in cases where it is required, the Revenue Officer may, if necessary, postpone the case until his next visit, and should pass an [1][interim] order on the mutation directing the Kanungo to have the omission made good; but in that case too his [2][interim] order should show, as far as possible, what facts have been ascertained and how.

34. Disposal without check by Kanungo in special cases.—In special cases orders, may be passed by dispensing with the check of Kanungo. In remote places which are seldom visited by the officers, the Revenue Officers may decide even such mutation cases as have not been checked by the Kanungo, but in all such cases the Revenue Officers should completely check the entries themselves before any order on the mutation is passed, mentioning specially that the entries have been checked.

In others localities too, there is no objection to this procedure being followed, provided the Revenue officers check the entries themselves and note in the order that this has been done.

35. Neglect to be reported.—Neglect of duty by subordinates should be reported for orders to the higher authorities.

36. Attendance of parties.—When satisfied that the entries and reports are in order, the Revenue Officer should see whether the parties (and their witnesses in case of dispute) and the Lambardar [3][x x x] are present.

If the parties or any of them are not present, the Revenue Officer should give them a further opportunity to attend, and may summon them specially on the occasion of his next visit, should he think proper.

If any person whose attendance is necessary is absent from the village but his return within a few months is expected, then the case should be postponed.

37. Interrogatories.—If the address of the absentee is known; and early return is not expected, steps should be taken to record his statement by Band

1. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "intermediate".
2. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "intermediate".
3. Brackets and words "(and Kotwal in Ladakh)" *omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.

Sawal to be forwarded to the Tehsildar of the Tehsil concerned, or to the superior officer of the absentee, if he is in service, direct or through the higher authorities, if necessary, according to the orders in force.

The interrogatories should be on half margin, and should begin by giving sufficient particulars of the mutation; and should ask the person interrogated—

(a) who is in possession of the land, and in what capacity?

(b) (in cases of sale etc.) whether the money has been paid and received?

(c) whether the absentee agrees to mutation as proposed? and

(d) whether he has any further statement to make?

A separate file is not to be made up for the Band Sawal. It should be attached to the Part Sarkar of the mutation and sent to the Tehsil office :

Provided that interrogatories should be issued if the officer thinks that such person cannot attend without an amount of expedition and inconvenience, which would be unreasonable in the circumstances of the case. No interrogatories should, however, be issued for the examination of a person residing within the limits of the Tehsil unless such person resides at a distance of more than 25 miles from the Mauza to which the mutation relates. In the absence of any special reasons, interrogatories issued within the limits of the Tehsil should not be awaited for more than three weeks.

In order to see that prompt action is taken, a register should be maintained in each Tehsil office to show receipt and despatch of interrogatories. At the end of each month the Tehsildar should scrutinise the register and take necessary action in cases where he finds that unnecessary delay has occurred in the disposal of these interrogatories.

38. If statement of party cannot be obtained.—If the parties or any of them are not present, the Revenue Officer should use his powers to enforce attendance; and if the parties remain absent inspite of service of summonses, the absentee should be punished.

If, inspite of all endeavours, the statement of an absentee cannot be obtained, or his whereabouts are not known, the mutation can be disposed of according to facts ascertained.

Except in cases where the right of the transferee is clear and he is undoubtedly in possession, no order adverse to an absentee should be passed in mutation proceedings. If the transferee holds possession, but there is doubt as to his right or as to the nature of his possession, then the mutation should be rejected and the Qabiz should be entered as tenant-at-will.

39. Presence of some shares and absence of others.—When, of several persons similarly interested in mutation, some are present and some are absent, the final orders on the mutation should be deferred until the next visit, when if the absentees are again absent and there is no reasonable doubt, about the facts, the case can be disposed of. Interrogatories can be sent to the absentees meanwhile, if their address is known. In certain cases, such as

simple succession cases, the mutation a be disposed of on the first occasion, if it is quite clear, notwithstanding the absence of some of the parties.

40. **Only absence of parties is no reason for rejection.**—Absence of parties in itself is no reason for rejecting a mutation; but if a person, in whose favour a mutation is written up, fails repeatedly to attend, in spite of ability to do so, and the attesting officer is fully satisfied that the party concerned has voluntarily neglected to attend, it may be assumed that he no longer desires mutation, which may, therefore, be rejected.

The mutation may, however, be accepted if it is found that possession has been transferred and the other party is present and offers no objection.

41. **Attendance in mutations by order of Court.**—In mutation by order of the Court or by order of competent authority, orders on mutation need not be deferred owing to absence of parties, unless there are special reasons for doing so.

42. **Enter parties present; identification, purport of statements etc.**—Before beginning his enquiry, the attesting officer should carefully read the entries and reports, and get a clear idea of the points for enquiry.

He should then first enter the names of the parties present, and of the Lambardar or other respectable person who identifies them and should state briefly the purport of what they say. In case of dispute, the names of the witnesses produced by the parties and the brief purport of their statements should be recorded in continuous form and not in the form of separate deposition appropriate to regular suits; the purport of any information derived from the general assemblage of people present may also be noted.

43. **When parties are very numerous.**—In some cases [1][x x x] all the [2][right holders] of the village are interested and are therefore parties to the mutation. As a general rule, the names of all the [3][right holders] present should be recorded, but if their number is very great, it will take much time to do so, and this course is not absolutely ordered in all circumstances. If there are several such mutations for decision in which all the [4][right holders] are parties, it is permissible to show the names of those present on one mutation only, and on the others to say [5][right holders] entered on mutation No. ..... are present.

44. **Parties to be sufficiently described.**—In every case the name of each party present must be entered, with his connection with the mutation, *e.g.*, "*A* and *B* sons of deceased," or "*C* mortgagor and *D* mortgagee".

1. Brarket, letters and words "(*e.g.* Nautor in a State- owned village)" *omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957).
2. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the word "assamis".
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the word "assamis".
4. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the word "assamis".
5. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the word "assamis".

The thumb marks of the parties present should invariably be affixed to the Part Sarkar of the mutation.

45. Give full reasons for rejections.—If a mutation is rejected, the reasons for doing so should be given even more fully and carefully than if it were accepted.

46. Consider both possession and right, in cases of succession to a right.—In deciding mutation cases, arising out of succession to a right, officers should look to two principal factors, first possession, and second right. [1][Both should be considered and. orders about the entry to be made, passed], the true facts regarding possession being, however, shown in Kasht column.

In cases of transfer, mutation may be ordered only on basis of possession.—In cases of transfer of a right, however, it is necessary to state in the order passed on the mutation, whether possession has actually been transferred on the spot. In cases of sale, mortgage, redemption of mortgage, gift, private partition, ejectment or relinquishment of Kasht by tenants, if it is found that possession has not changed, the mutation should be rejected irrespective of the fact that the parties agree to transfer possession at some future time.

[2][47. *Omitted.*]

48. Write orders in own hand and specify Nos. etc. therein.—The full order on the Part Sarkar and an abbreviated order on Part Patwar should be written by the attesting officer in his own hand. Orders should specify in full the Khasra Nos. mutated, together with their total areas. In succession cases it is sufficient to write down that the Haqiat of so and so deceased as comprised in Khata Nos. ..... has been mutated in favour of so and so.

In other cases both orders should specify the number of Khata, number of Qitas, and total area affected.

49. State shares in case of joint rights.—When a mutation is ordered in favour of several persons jointly, the share of each should be specified in the order.

50. Completion of orders.—When the order on Part Sarkar has been completed, it should be explained to the parties, and a note added that this has been done. The order should then and not till then be signed and dated by the officer.

He should then at once proceed to write the abbreviated order on the Part Patwar. This should show, as fully as on the original, the order actually passed, but it need not show anything else; thus the names of those present and the reasons for the decision need not be entered in the copy . The object of the Revenue Officer's writing the abstract of the operative part of his order

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957), for the certain words.
2. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957 (Government Gazette, dated 15.11.1957).

on Part Patwar is that Patwari should be able to give effect to the mutation in the next Jamabandi without reference to the Part Sarkar of the mutation.

Having written the brief order on the Part Patwar, the officer should compare it with the original and then sign it.

51. Mutation work to be done on spot.—All mutation work should be done on the spot, either at the village concerned or at a village in the same Patwari's circle, or at any other place near the village concerned. The order should always show the place at which it was passed.

52. Give notice and attend punctually.—Officers should endeavour to give notice several days beforehand to the Patwari and Lambardars of the date, hour and the place at which mutations will be attested, and they should be careful to attend punctually at the time and place fixed.

53. Objectionable practices to be avoided.—It is highly objectionable only to write a note at the time and to write the detailed order afterwards, or to defer copying the order on the Part Patwar. The whole work must be done on the spot. Pencil entries also are strictly prohibited.

If, in any case, an officer is found to have written his order on the Part Patwar but not on the Part Sarkar, severe notice will be taken.

54. Disposal of forms containing mutation orders.—The following instructions prescribe the method of disposal of forms containing mutation orders :—

(1) Each Patwari will be provided with two counterfoil registers, one for accepted and the other for rejected mutations. This register will be in the following form in duplicate except that the last column will only be in the counterfoil :

1	2	3	4	5	6	7	8	9
			PARTICULARS OF MUTATION					
Hadbast No. with name of village	Serial No of bachh for current year for the village shown in column 1	Date of order	Total No. of Mutations	Number of mutation sheets	Serial number of mutation with No. of sheets	Signature of Patwari	Signature of attesting officer	Date of receipt in Tehsil with signature of Office Kanungo.

(2) On each occasion that he attests the mutations of a village, a Revenue Officer should have the mutation sheets, on which orders have been passed, arranged in serial order in two bundles, one of accepted, the other of rejected mutations, and he should order the Patwari to enter the necessary particulars in the registers aforesaid. The counterfoils should then be detached from the files and affixed as indices to the two bundles, each of which should be stitched together with stout thread.

(3) The bundles of sheets should then be despatched or personally made over by the attesting officer to the Tehsil Office Kanungo. Attesting officers

are responsible for the safe custody of the sheets until they are so made over and they should be very careful to prevent their loss.

(4) On receiving the sheets, the Office Kanungo will check them with the indices, sign the latter and return them in token of receipt and then place the sheets with a copy of the indices in an Almirah where he will arrange them in files by Field Kanungo circles and between boards tied round with tape or string. Within these boards the sheets should be arranged by Patwar circles, those of each village being placed together along with their indices in the order they reach the Office Kanungo. The files of accepted or rejected mutations in each Field Kanungo's circle should be kept in distinct and separate shelves.

(5) Once in a year, after the Rabi Girdawari in the Jammu Province, and after Kharif Girdawari in Kashmir Province and the Gilgit and Ladakh [1][Districts], the Patwari should prepare two lists in the form. below of all mutations attested during the year for each village 'in his circle. One list will show accepted, the other rejected mutations.

1	2	3	4			5	6	7
			MUTATIONS					
Hadbast No. and name of village	Total number of mutations	Total number of sheets	Number of mutation in serial order	Number of sheets for each mutation	Fees due	Signature of Patwari	Signature of Tehsil Officer Kanungo	Remarks.

These lists should be prepared from the counterfoil register described in sub-para, (1) of this paragraph and after being checked with the register of mutations, should be sent to the Tehsil not later than one and a half months after the last date of the Rabi Girdawari in Jammu Province and of the Kharif Girdawari in other Illaqas, a copy of entries in the first four columns being retained by the Patwari in his diary (Roznamcha Waqiati).

(6) On receipt of these lists, the Office Kanungo should compare these with the mutation sheets in his custody, arrange the latter in their serial order, remove and destroy their indices, sign the list in column 6 in token of their correctness and attach them to the bundles of sheets to which they refer.

(7) As soon as Jamabandi is filed, the. Office Kanungo should make over the accepted mutation sheets of the village in question to the Field Kanungo and take his receipt in the last column of the list which is attached to these sheets and which he will retain. The sheets will then be attached by the Field Kanungo to the Jamabandi.

(8) The list containing the receipts of the Field Kanungo should be made into a file one for each Field Kanungo's circle. Each file should be indexed and the list which it contains should be arranged by the serial order of the Hadbast numbers of the villages to which they relate. The files should be destroyed after four years or after the next detailed Jamabandi have been prepared.

1. *Subs.* by Act III of Svt. 2003 (Government Gazette, dated 13th Har, 2008), for the word "wazarat".

(9) The rejected mutation sheets of any village for which a Jamabandi has been prepared should be sent to the District Record Room along with that Jamabandi and the lists attached to it. These sheets should be kept in the Land Record Room for twelve years and then destroyed.

[1][55. The practice of altering an order after it has been signed by adding the word "Mukarar", giving some reason and passing a different order, is highly objectionable. A Revenue Officer may, however, review his orders within ninety days of the passing of such order of his own motion or on the application of the interested person in accordance with the provisions of Section 13 of the Land Revenue Act, 1996.]

56. Surat Jadid to agree with orders passed.—When the order passed is contrary to the "Surat Jadid" as written up by the Patwari, the Revenue Officer should in his own hand, amend the "Surat Jadid" entries in both Parats and initial the alteration. So, also when mutation is rejected, the "Surat Jadid" entries should be struck out by him.

57. Surat Jadid to agree in both parats.—The Revenue Officer should be careful to see that the Surat Jadid entries on Parat Patwar and Parat Sarkar agree.

[2][58. [3][(1)] With effect from [4][10th January, 20071, the following scale of fees shall be levied for every entry relating to the acquisition of any right or interest in an estate made in a mutation register under sub-section (1) of Section 24 or under Section 25(b) of the Land Revenue Act XII of 1996 :—

(a) When the entry relates to the acquisition of a right or interest by inheritance, the fee shall be [5][Rs. 20] charged on the acquisition in one and the same village of a right or interest one and the same capacity, although entries may have been made in more than one proprietary holding; [6][* * *] [7][provided that the total mutation fee shall not exceed Rs. 50/- in each case];

[8][(b) when the entry relates to the acquisition of a right of land from which a proprietor is expropriated under any law for the time being in force, the fee shall be [9][Rs. 100/- in respect of rural areas and Rs. 1000/- in respect of urban areas] charged on each proprietary holding; [10][* * *] and]

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
2. *Subs.* by Cabinet Order No. 701-C of 1950, dated 20.6.1950. (Government Gazette, dated 23.3.2007).
3. Para numbered as (1) by Notification No. SRO-48, dated 27.2.2008.
4. *Subs.* by Notification No. SRO-48, dated 27.2.2008, for the words and figures "1st April, 1985".
5. *Subs.* by Notification No. SRO-48, dated 27.2.2008, for the words and figures "Rs. 2.50 per kanal".
6. Words "provided that where the area involved exceeds 160 Kanals double the fee shall be charged" deleted by Notification No. SRO-48, dated 27.2.2008.
7. *Ins.* by Notification No. SRO-38, dated 21.1.1987.
8. *Ins.* by Cabinet Order No. 1134-C of 1950, dated 30.9.1950.
9. *Subs.* by Notification No. SRO-48, dated 27.2.2008, for the word and figure "Rs. 2/-".
10. Words "provided that when the area involved exceeds 40 Kanals, a fee of Rs.5 shall be charged" *deleted* by Notification No. SRO-48, dated 27.2.2008.

(c) when the entry relates to the acquisition of a right or interest not otherwise provided for in clause (a), the fee shall be [1][Rs. 100/- per kanal in respect of Rural areas and Rs. 1000/- in' respect of Urban areas] on each proprietary holding :

[2][* * *]

The above fees shall be charged on all mutations whether accepted or rejected and shall be recovered from the person in whose favour the entry is made and where a mutation is disputed from each of the contesting parties].

[3][* * *]

[4][(2) Every Mutation Attesting Officer shall maintain a register in respect of recovery of mutation fee as per below given format and shall submit monthly return to the Tehsildar (T) Concerned on monthly basis not latter than 5th of each month following the month to which the return pertains :

Sl. No.	Mutation No.	Date of Attestation	Nature of Mutation	Fee recovered as per prescribed rates	Reference to the treasury receipt No. and date under which amount remitted into treasury	Attestation of mutation attesting officer	Remarks
1	2	3	4	5	6	7	8

[5][59. (i) No mutation fee shall be levied from any Department of Government for land acquired in the interest of Government, on the resumption of revenue free assignments, on cases relating to additions to area of village on account of correction of entries (Sehat Indraj) or those relating to alluvion-diluvion, on mutations, in favour of the State and, on "Tartibi" mutations.

(ii) No fee shall be levied on simple corrections or mistakes in a previous record-of-rights or for any entry of change of names, provided that no acquisition of any right is involved.

(iii) No fee shall be charged from the Government where it is a party in a disputed mutation. Local bodies are not exempted from the payment of mutation fees, even where the property is acquired under the Land Acquisition Act].

[6][60. * * *]

[7][61. In any case in which the fee payable under the foregoing provisions is found to be excessive in amount with reference to the value of interest

1. *Subs.* by Notification No. SRO-48, dated 27.2.2008, for the words and figure "Rs. 5/- per Kanal".
2. Words "Provided that the total mutation fee shall not exceed Rs. 50/- in each case" deleted by Notification No. SRO-48, dated 27.2.2008.
3. *Omitted* by Notification No. SRO-48, dated 27.2.2008.
4. *Ins.* by Notification No. SRO-48, dated 27.2.2008.
5. *Subs.* by Cabinet Order No. 701-C of 1950, dated 20.6.1950.
6. *Omitted* by Notification No. SRO-48, dated 27.2.2008.
7. *Subs.* by Cabinet Order No. 701-C of 1950, dated 20.6.1950.

transferred or for any other reasons, the Revenue Minister may either remit the fee or reduce it to such amount as he deems reasonable.]

PART V

INSTRUCTIONS RELATING TO DIFFERENT KINDS OF MUTATIONS

62. Inheritance.—When a right holder dies, his name will be removed from the records and that of a successor will be entered in his place. The relatives and friends living with the deceased naturally like to take possession on his death, but it does not follow that they are entitled to succeed and the Revenue Officer must make a summary enquiry as to the person or persons entitled to do so by reason of present possession, paying more attention to the entries of records than to any oral statements. The village pedigree table should be followed implicitly in coming to a derision.

It may be noted that the daughter of a deceased Hindu, leaving no male issue or a widow, can also inherit [1][according to Hindu Law].

When a widow forfeits inheritance of her deceased husband on account of re-marriage or unfaithfulness, and mutation is effected in favour of the collaterals of her deceased husband, such a mutation should be considered as of inheritance (Warasat).

63. Lawaris holdings.—Rules regarding Boon No. 9 notified in the Government Gazette dated 29th Har, 1985 (*vide* Allan No. 23, dated 12th Har, 1985) are applicable to Lawaris holdings and they are as under :

(1) The heirs of an owner are those recognised by law or custom; the heirs of an occupancy tenant are those specified in Sections 67 and 68 of the Tenancy. Act (No II of 1980).

(2) The share of any owner occupancy tenant holding directly under the State in a joint holding who dies without heirs, shall devolve upon the surviving share holders in that holding in accordance with their shares.

(3) The land of any owner in a Bhaichara estate, who dies heirless, shall become Shamilat-i-Deh and not Galwand. For the purpose of this rule a Bhaichara estate includes all estates in which possession is the measure of right, whether the tenure therein is that of owner.

(4) In non - Bhaichara estate the land of any owner, or occupancy tenant holding directly under the State who dies heirless, shall be auctioned to the highest bidder; provided that such bidder offers not less than five times the land revenue of such land. The persons permitted to bid at such auction are : In the first instance.

In the first instance.—Owners, or occupancy tenants holding directly under the State, or other land in the village in which the land is situated; under the Revenue Department Notifications No. S-58, dated 17/18th April, 1931 and S-67 dated 10th February, 1932, the [2][Illaqadars and Jagirdars] in the case

1. *Subs.* by Government Order No. LCB/7-C, dated 18.10.1957, for the words "according to Dharam Shastra *vide* Ailan No. 30 dated 7th Chet, 1973".
2. *Subs.* by Revenue Secretariat correction slip, published in Government Gazette, dated 31.2.1992/3.6.1935, for the words "Jagirdars and pattadars".

of non-Bhaichara villages should, for purpose of bidding at auctions, be reckoned as land holders;

And, if no one offers a bid of not less than the minimum, thereafter :— owners, or occupancy tenants holding directly under the State, of land in other villages situated in the same Zail;

And, if no one offers a bid of not less than the minimum, thereafter— State-subjects who are land holders or occupancy tenants holding directly under the State, of other lands in the State :

Provided that in the case of an occupancy tenant of grade (A) holding directly under the State who dies heirless leaving land in the possession of an occupancy tenant of grade (B), his rights therein may be purchased by the latter for five times the land revenue of the land before they are put up to auction :

(5) Orders regarding succession under sub-paras (2) and (3) of this paragraph shall be passed by Revenue Officer empowered to deal with succession mutations; orders regarding auctions or sale under sub-para 4' of this paragraph shall be passed by the Deputy Commissioner or, in Tehsils under Settlement by the Assistant Settlement Officer without previous reference to higher authority. Results of such auctions and sales shall be reported for the information of the Revenue Minister.

64. **Inheritance by adoption and daughter.**—(a) ***Adoption.***—If the adoption is by a registered deed, the mutation should be entered in the name of the adopted son, otherwise mutation will be entered in favour of the heirs of the deceased who hold the possession of the land. But if the adopted son is in cultivating possession of the land and the deed of adoption is an unregistered deed, then according to Circular No. 1 of 19th Assuj, 1953 the name of the adopted son can be entered in the mutation.

(b) ***Khana Nashin Daughter.***—(1) In the [1][Valley of Kashmir and District of Ladakh] the custom of having a Khana Nashin daughter is generally recognised. The custom of bringing in a Khana Damad for a Khana Nashin daughter is equally prevalent in the valley. In such cases the mutation shall be entered and attested in favour of Khana Nashin daughter. The estate cannot devolve on a Khana Damad. On the death of a Khana Nashin daughter, the names of her Sons and daughters should be substituted. In the case of a Khana Nashin daughter dying heirless, the estate can devolve on her husband till his death or remarriage. On the death or re-marriage of the Khana Damad the property will pass on the heirs of the father of the Khana Nashin daughter. It shall be the duty of a Revenue Officer attesting a mutation to carefully see that all necessary points involved in the decision of a mutation have duly been inquired into and properly decided and all necessary conditions and particulars have been entered, to enable any dispute that may arise in future to be decided satisfactorily, before the mutation is finally sanctioned.

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "Valley of Kashmir".

(ii) *Inheritance by daughter.*—If a daughter succeeds to her father according to the personal law of the deceased, the mutation should be a mutation of inheritance and shall be so entered and attested

65. Partitions by order of Court.—Mutations on partition are a source of great error, and it is highly important that the Revenue Officers should satisfy themselves as to the correct entries. No attesting officer should attest the entries without comparing them with the final orders.

In partitions by order of the Court, mutations should be sanctioned accordingly. Any difference between the shares sanctioned and the possession on the spot shall be shown in the form given below :

Name of co-sharer with detail of share	Description	Details of soil
	According to possession ..	
A	According to partition ..	
	Less ..	
	Excess ..	
	According to possession ..	
B	According to partition ..	
	Less ..	
	Excess ..	

66. Fard Kami Beshi in case of private partitions.—In private partitions, mutation should be written up as soon as the Patwari finds that it has been given effect to on the spot. Besides the Khaka of all broken fields ordered by paragraph 14, the Patwari should draw up a Fard Kami Beshi in the form as given in paragraph 65.

67. Trees in private partitions.—Mutations of private partitions should mention both in the Patwari's report and in the final order whether there are any trees on the land; and if so, whether they "follow the land" or have been differently partitioned.

68. In case private partition is objected to.—The attesting officer should examine the Fard Kami Beshi, and if the difference is excessive, should enquire the reasons and note them in his order. If any dispute arises regarding shares or rights, or if any party objects to the partition and the objection does not seem frivolous, the mutation should be rejected, and the other parties should be told to apply to the [1][Assistant Collector of first class] under instructions laid down for partition in the Land Revenue Act.

Care should be taken to see that temporary partitions, which are for purposes of cultivation and which are not intended by the parties to be taken as permanent, should not be considered as permanent. But if the parties have

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "Wazir Wazarat".

long been in possession of partitioned parts and hold separate possession on the spot, any difference in the area of the shares, that may not be material, should be ignored.

69. One mutation for each partition case.—One mutation of partition will deal with one joint holding, or with one set of shares and rights in different holdings in one Mauza. Partitions relating to different shares and rights in different holdings should be treated as separate mutations.

70. Occupancy tenants to be heard in private partition cases.—In a mutation of private partition of a holding in which there are occupancy tenants, subordinate to the parties, statements of occupancy tenants should be heard, and if the partition causes the severance of tenancy and the tenants have any reasonable objection, mutation should be refused, under [1][Section 115(3) Chapter 10 (Partitions) of Land Revenue Regulation No. 1 of 1980]. Similarly, if the occupancy tenancy is partitioned and the land-holder objects, the mutation should be rejected under [2][Section 115(4) of the Land Revenue Regulation No. 1 of Samvat 1980].

71. Lands which should not be partitioned.—If the partition divides up burial grounds, cremation places, places of worship, or places of public utility, mutation should not be allowed.

[3][**72. Exchanges.**—Exchanges by agreement of the parties effected through registered deeds are lawful but it should be seen that the provisions of the Big Landed Estates Abolition Act, 2007 are not defeated.]

[4][**73.** *Omitted.*

[5][**74. Mutations where sales etc. are permitted.**—Mutations of transfers by registered deeds may be sanctioned, provided that the transfer is found to have been actually made and acted upon.]

Simple mortgage without possession (.....) on usufructuray mortgage should be entered in the mutation register.

The Registration Department will send monthly to the Tehsildars, particulars of all registered deeds which purport transfer of agricultural land. The Office Kanungo should forward the slips to the Field Kanungo of the circle who should distribute them to the Patwaris concerned. The information supplied by the Registration Department will be used merely to start an enquiry and not automatically to record mutations of names.

[6][**74-A. Rules regarding the treatment of mutations of alienations which contravene the provisions of the Alienation of Land Act.**—(1) If any alienation of land is made otherwise than in accordance with the provisions

1. Now Section 106(3), Land Revenue Act, 1996.
2. Now Section 106(4) of Land Revenue Act, 1996.
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
4. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
5. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
6. *Ins.* by Cabinet Order No. 952-C of 1935.

of the Alienation of Land Act or involves any condition contrary to those provisions, the Patwari shall nevertheless enter the same, when it comes to his knowledge, in his register of mutations for the village where it occurred.

(2) Any entry made under the preceding rule (1) shall be dealt with like other entries in the register of mutations except that the Revenue Officer to whom the register is submitted for orders shall, after hearing the parties and recording a note of their representations,—

(a) in the case of any permanent alienation, transmit the mutation proceedings with his recommendation, as to whether sanction should be granted or refused, to the [1][Deputy Commissioners] for his orders under Section 5 (2) and (3) of the Alienation of Land Act; or

(b) in the case of any temporary alienation, refuse to sanction mutation of names and refer the parties to the provisions of the Alienation of Land Act which they have contravened, except in the case of a mortgage which purports to be in form (a) described in Section 8 of the Act where the only contravention of the Act is as to the term of the mortgage. In this case mutation should be allowed subject to the condition attached to the mortgage by law, namely, that its term shall be for 21 years.

(3) The [2][Deputy Commissioner] on receipt of any mutation proceeding transmitted to him under rule (2) (a) shall, after such further enquiry, if any, as he may consider necessary, grant or refuse the sanction required by sub-section (2) of Section 5 of the Alienation of Land Act. For the purpose of any further enquiry under this rule the [3][Deputy Commissioner] may refer the case to any Revenue Officer subordinate to him for investigation and report, and may decide the case upon the report.

(4) When the [4][Deputy Commissioner] has decided any case dealt with under rule (3), he shall record his order upon the mutation proceeding and direct the same to be returned to the Revenue Officer whose duty it is to dispose of mutation cases arising in the village where the land alienated is situated.

(5) If the [5][Deputy Commissioner] sanctions the alienation, the record of his sanction made upon the mutation proceeding shall be deemed to be sufficient evidence of the order of sanction for the purpose of Section 20 of the Alienation of Land Act and the Revenue Officer, whose duty it is to dispose of the mutation case, shall dispose of the same and shall not refuse mutation on the ground of any objection arising out of the said Act.

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
2. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
4. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
5. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".

(6) If the [1][Deputy Commissioner] refuses to sanction the alienation, the Revenue Officer disposing of the mutation case shall pass such order in the case as may be in accordance with the order of the [2][Deputy Commissioner] refusing sanction.

(7) When a mutation proceeding has been transmitted to the [3][Deputy Commissioner] under Rule 2(a), the transmission thereof shall be deemed to be an application to the [4][Deputy Commissioner] to exercise the powers conferred upon him by Section 5 of the Alienation of Land Act. Such application need not be stamped, nor is any separate application necessary for the exercise of those powers in the same case.

(8) Nothing in these rules shall be so construed as to disallow applications to the [5][Deputy Commissioner] for the exercise of any power conferred upon him by the Alienation of Land Act which are made in any other manner authorised by law or by rules having the force of law.

(9) The Alienation of Land Act places no restrictions on gifts for religious or charitable purposes. The working, however, of this exemption should be carefully watched, and the mutation proceeding all cases purporting to be such gifts should be submitted to the [6][Deputy Commissioner] who should, after enquiry, record a decision whether the transaction is really a gift and not a disguised sale and whether the purpose is really religious or charitable. If he holds that the transaction is not a gift or for other reasons does not come within the exemption, he should treat it like any other transaction to which the Act applies.]

[7][74-B. **Instructions regarding those transfers which are permitted on certain conditions by the Alienation of Land Act.**—The following instructions are issued in connection with those temporary transfers which are permitted on certain conditions by the Alienation of Land Act :—

Patwari's duties in the matter of temporary alienation, including mortgages, farms and leases.—In the matter of temporary alienation, where the alienor is a member of an agricultural class, and the alienee is not, it is necessary that the Revenue Officer should know what the terms of the contract are. The Patwari must note briefly the terms of the contract as to possession, period,

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
2. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
4. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
5. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
6. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
7. *Ins.* by Cabinet Order No. 952-C of 1935, published in Government Gazette, dated 23.11.1992.

rent, interest, redemption, etc., and the attesting officer must satisfy himself of the correctness of these entries. (These notes are in addition to those required by the Standing Order No. 23-A (Mutations), for correct entry of particulars about transactions). The attesting officer will then proceed to pass suitable order on the mutation. If the provisions of the Act are not contravened by the terms of the contract, he will direct mutation, other wise, he will refuse mutation.]

[1][75. *Omitted.*

76. Mortgages without possession.—Mutations of mortgages without possession should be written up, but if proved, will only be given effect to by a note in the Jamabandi column of "remarks"; orders should be passed accordingly accepting the mutation.

For purposes of mutation fees, such mutation shall be considered as sanctioned and liable to fees. The order should state the circumstances and should clearly mention that the Jamabandi entries are not to be modified; but only a note about the mortgage is to be made in the remarks column of the Jamabandi. Mutations should be entered also for lands kept as security for payment of Taccavi advances and other Government money; orders similar to those mentioned above should be passed in these cases; but no mutation fee should be charged. When a land situated in more than one village be put to sale or mortgage and the mortgage debt or sale proceeds of that particular land regarding which mutation is written up be not specified, the share of the mortgage debt or sale proceeds proportionate to the land should be entered in the mutation in question.

77. Entry of mortgage debt.—In cases of mortgage, the amount of mortgage debt admitted by the mortgagor should be noted in the mutation order, but it will not be mentioned in the Jamabandi.

78. Alienation by occupancy tenants.—[2][x x x] Necessary action regarding alienations of occupancy rights will be taken according to Sections 60 and 61 of the Jammuand Kashmir Tenancy Act No. II of Samvat 1980, and then the Waqia will be brought on the mutation register.

[3][x x x]

79. Alienation in case of Hissadari Kasht.—When a sharer in a holding holds possession of certain lands by way of Hissadari Kasht, and alienates particular fields in his possession, such alienation being lawful in other respects, mutation should be written up and the attesting officer should, if he finds it proved, order that effect should be given to it in the Kasht column. The other co- sharers cannot object to such mutation even if the land alienated exceeds the area to which the alienor is entitled according to share; if they object, the attesting officer should tell them to apply for partition of the holding

1. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
2. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
3. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.

[1][80. **Cases of redemption of mortgages to be decided on mutation registers.**—Cases of redemption of mortgages including such simple mortgages without possession, which have been noted in the remarks column of the Jamabandi, should be decided on mutation registers.]

81. **When a fresh mortgage is made.**—When the same parties cancel the old mortgage and effect a new mortgage for an increased area, or for an increased amount, a mutation should be written up, one Tartibi (on which no fee will be taken) to give effect to the cancellation of the previous mortgage, and the second to give effect to the new mortgage.

82. **No mutation of Izadi Zar-i-Rahan only.**—No mutation need be written up in cases of "Izadi Zar-i-Rahan" merely where the previous mortgage is continued as before uncancelled, and the mortgage debt is added to only. A note should, however, be made by the Patwari in his Roznamcha Waqiati in such cases, and a Kaiflyat should be added in the next Jamabandi in order to facilitate the preparation of the necessary statements.

[2][83. *Omitted.*

84. *Omitted.*]

85. **Grant of occupancy rights.**—[3][Cases of grant of occupancy or protected tenancy rights to a tenant by a proprietor come under this head.] In such cases, if there is any dispute, mutation should be refused.

[4][x x x]

[5][86. **Mutations from Khata Khalsa.**—Mutations of Nautor from Khata Khalsa shall be attested under orders of a competent authority passed on a separated file.]

87. **Nautor.**—(a) Under orders for the formation and specification of the Shamilat in the Kashmir and the Jammu Provinces issued under Revenue Department Aliens No. 17, dated 27th Bhadon, 1984, for the Jammu Province, No. 2, dated 16th Katik, 1984, No. 2, dated 2nd Poh, 1989 and No. 5, dated 23rd Magh, 1989, for the Kashmir Province, there is no prohibition of breaking up Nautor from Shamilat. No Nautor should be allowed from Khalsa area left after the s of the Shamilat has been done, unless it is permitted under [6][any other rule or order in force]. Encroachments shall be dealt with under [7][Section 155 of the Jammu and Kashmir Land Revenue Regulation, No. 1 of 1980].

(b) In Ladakh and Gilgit [8][Districts], a limit of 20 Kanals was formerly imposed in the matter of Nautor (*vide* Revenue Department Notification No.

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
2. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for certain words.
4. *Omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
5. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957.
6. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "Waste Land Rules".
7. Now Section 133 of the Land Revenue Act, 1996.
8. *Subs.* by Act No. III of 2008, for the word "Wazarat".

10, dated 22nd Har, 1979), but this restriction has now been removed [1][*vide* Revenue Department Ailan No. 38, dated 31st Har, 1989 and Council Order No. 21 of 1936] subject to the following provisos :—

(i) that the rights of others are not adversely affected;

(ii) that the condition per proviso (i) above is decided by a Revenue Officer not below the rank of a Tehsildar at the time of attestation of mutation; decision of the Revenue Officer being appealable.

[2][(iii) that in land brought under cultivation after 1st Katik, 1990 only occupancy rights shall be granted.]

88. **See Nautor is not injurious.**—In Nautor cases it should always be seen that land bearing ancient monuments, places of worship, camping grounds, graveyards, roads, paths, Kuhis, etc., are not infringed upon. It must also be seen that the land broken up is not required as Charagah. Mutation should be rejected if the [3] [villagers] object that land is required as Charagah and the objection appears to be reasonable. When there is spare land available in the village Abadi and [4][a villager], Kashtkar or resident has broken up a small plot as Sagzar near his house, mutation can be allowed if, after full enquiry, it is found that no one is injured by the Nautor,

89. **Where mutation is injurious, the person to be ejected.**—In any case in which mutation is refused on the ground that the land is required for public purposes, steps for the ejectment of the person breaking up the Banjar land should be taken by the Revenue Officer not below the rank of an [5] [Assistant Collector of 1st class] under [6][Section 133 of the Land Revenue Act, 1996].

[7][90. **Nautor by actual tillers.**—Subject to para 89, the Nautor should in all cases be granted in favour of the actual tiller who has broken the land.]

91. **Trees in Nautor from Khata Khalsa.**—In all cases of Nautor from Khalsa, the attesting officer should enquire whether there are trees on the land, and the point should be mentioned in the Patwari's report. If there is only ordinary brush wood it need not be considered, and a note to this effect should be made in the order.

[8][Purchase and price of trees shall be in accordance with the provisions of Rule 7 of the State Waste Land Rules of 1934.]

92. (a) *Construction of water mills.*—When a new water mill has been built, it should, in all cases, b brought on the papers by mutation. No such

1. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the original brackets, words and figures.
2. *Added* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Assamis".
4. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Assami".
5. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Tehsildar".
6. *Subs.* by Government Order No. LCB/7- C of 1957, dated 18.10.1957, for certain words and figures.
7. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
8. *Subs.* by Government Order No. LCB-7/C of 1957, dated 18.10.1957.

mutation should be attested without the sanction of [1][competent authority] on a separate file, and if any mill has been constructed without sanction, required under Water Mills Act No. XVII of 1989, mutation should be refused and the case reported for orders. In State owned tracts such mutations come under the head "az Khata Khalsa" but should be treated as a separate class.

(b) In illaqas where the water mills have not been separately assessed to revenue (whether the water mills have come under Bachh or not) no separate file should be prepared; the matter may be settled on mutation, but the attesting officer should follow the Water Mills Act No. XVII of 1989 Chapter III. The attesting officer should enquire if there is any reasonable objection to the construction of a new water mill. The Tehsildar may at his discretion order in any case that a separate file should be prepared for the Waqia in question and that the decision should be made after enquiry. The mutation will remain pending until the decision is given.

Note.—Water Mill (Gharat) includes Jandar.

93. Mutation to Khata Khalsa.—No mutation under the head will be entered except by order of [2][competent authority] passed on a separate file.

No order of [3][competent authority] shall be required to transfer to Khata Khalsa during Settlement operations such Khalsa waste lands as are stated by the [4][owners] concerned to have been mixed up with their holdings by mistake.

94. Alteration of rent of occupancy tenants only.—Such alterations can be made by the decree of a competent Court or by agreement of both land-lord and tenant. If an alteration of rent by consent is reported to the Patwari by the parties, he should enter the mutation; but if at the time of attestation either party objects to the mutation; the Revenue Officer should reject it.

95. Mutations on relinquishment of Kasht and ejectment etc. of protected tenants or occupancy tenants.—[5][Whenever any occupancy or protected tenant is ejected or relinquishes Kasht or any occupancy tenant abandons Kasht] the Waqia should be brought on the mutation register and decided on merits.

96. Mutations of assignees.—Mutations relating to [6][assignees] will only be written up on receipt of order from the higher authorities.

The ordinary Mutation Form should be used. The Patwari should immediately on receipt of information, report the death of an [7][assignee] and should wait for orders of authorities.

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1. *Subs.* Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "superior authority".
2. *Subs.* Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "superior authority".
3. *Subs.* Cabinet Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "superior authority".
4. *Subs.* by Government Order No. LCB-7/C, dated 18.10.1957, for the word "Assamis".
5. *Subs.* by Government Order No. LCB-7/C, dated 18.10.1957.
6. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 10.10.1957, for the words "Jagirdars Illaqadars and Muafidars".
7. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 10.10.1957, for the words "Jagirdar, Illaqadar and Muafidar".

97. Mutation of Managers of Institutions.—The same procedure as is laid down in paragraph No. 96 should be followed in mutation of Managers of Institutions.

[1][**98. Mutations of changes of Sarbarahs of minors and of Balugiat.**—The practice of appointing sarbarahs and guardians except in the case of minor females in Kashmir Province (including the District of Ladakh) shall in future be discontinued. The appointment, removal, or dismissal of sarbarahs of minor females in Kashmir Province (including the district of Ladakh) shall, however, be decided on a mutation. In other case the existing entries of minors and the guardians shall be ordered to be removed by an order on a Farad Badar in due course of time when the minors get of age.]

99. Mutations regarding Ghair Hazir and Ghair Qabiz.—(1) If a right-holder abandons his lands and becomes an absentee from the village or, if, although he remains in the village, he does not cultivate the land except as provided in sub-para (6) of this paragraph, or take a share of the produce or pay the revenue, he should be shown as Ghair Qabiz. The person in possession, whether related to him or not, should be shown as Qabiz.

The Revenue Officer should, during attestation of mutations, among other things ascertain in each case of Ghair Qabiz, the harvest and the year, since which a right- holder is out of possession (Ghair Qabiz), and order that the date of Ghair Qabiz should be noted in the papers.

(2) When a right holder entered in the record of rights or annual records, whether he is or is not described therein as an absentee (Ghair Hazir) or as out of possession (Ghair Qabiz), has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the officer attesting a mutation may, unless he sees reason to the contrary, presume that he is dead and pass orders on the case accordingly; but before ordering the omission of his name from the record of rights or annual record such officer should satisfy himself that all reasonable endeavour has been made to ascertain whether the absentee is alive and to give him an opportunity of appearing.

(3) When a right-holder entered in the record-of rights or annual records as Ghair Hazir or Ghair Qabiz has been heard of within seven years but has been so entered for more than 12 years, the Patwari shall enter the case in his register of mutations and shall report it to the Revenue Officer. The Revenue Officer to whom the case is reported shall enquire into the question whether the right-holder has abandoned the land or his interest therein. All reasonable endeavour shall be made to give the right-holder an opportunity of appearing and stating his claim. Direct evidence of an intention of abandonment will rarely be forthcoming; but the intention of the right-holder may be inferred from what can be ascertained in regard to his conduct. Long absence coupled with entire severance from all concern with the land or interest is a strong circumstance to be taken into consideration in determining whether there has been abandonment or not. If the Revenue Officer finds that the right-holder has abandoned the land, he shall pass an order accordingly.

1. *Subs.* by Cabinet Order No. LCB/7-C of 1957, dated 10.10.1957.

(4) (i) In Tehsils and estates, of which the records-of- rights were prepared prior to Samvat 1978, there will be no difficulty in ascertaining the period of 12 years or over for which a right-holder has been Ghair Hazir or Ghair Qabiz, so as to take action under sub-para (3) above.

(ii) In Tehsils and estates, of which the records-of-rights were prepared in, or after, Samvat 1978, the Patwari may not be able, from his papers, to ascertain the harvest and year since which a person entered in the record-of-rights as Ghair Qabiz has been out of possession. To determine the exact dates Ghair Qabiz in such cases, the Patwari should bring all such cases on the mutation register; and the Revenue Officer should after making necessary enquiries, pass orders as to the harvest and the year since which a right-holder has been out of possession. Note to this effect should then be made in the "remarks" column of Jamabandi.

It is the duty of the Field Kanungo especially to see, while checking entries of mutations, that no entry that is required by this rule to be brought on the register of mutation, is *omitted* and he should record a note to this effect in the Fard Partal.

(5) No new entry of any one as Ghair Hazir should be made.

(6) A right-holder should not be entered as Ghair Qabiz if he is himself in legal or constructive possession, as when he has put some one else in possession on his behalf, or the land is lying waste, or he is by reason of poverty unable to cultivate it. A familiar instance would be where a Sepoy has left his land in his brother's possession while he is with his regiment. In such a case the Sepoy should be entered as in possession of the land through his brother, An entry of Ghair Qabiz should not be made unless some other person than the right-holder is in adverse possession.

(7) If the person in possession admits the right of the absentee to recover the possession of the land, the absentee should nevertheless be shown as Ghair Qabiz, provided his absence is not of the kind mentioned in sub-para (6) of this paragraph; but the statement of the Qabiz should be recorded on the mutation, and a note should be made on the Shajra Nasab and the Khatuni that he admits the right of the absentee to recover the land.

(8) (a) If at the time of mutation the person recorded as Ghair Qabiz or Ghair Hazir appears and it is proved that he has obtained possession by consent of the party recorded as in possession, the Revenue Officer shall pass orders striking out the entry of Ghair Qabiz or Ghair Hazir.

(b) If in the case referred to in clause(a) the party in possession admits the claim of the party recorded as Ghair Qabiz or Ghair Hazir but has not yet placed him in possession, the Revenue Officer shall pass orders deferring decision of the mutation until such time as he may think fit, and at the subsequent hearing if he finds that the Ghair Qabiz has actually been placed in possession, he shall pass orders as directed in clause (a) but if possession has not been transferred, he shall pass orders striking out the name of the Ghair Qabiz.

(c) If the Ghair Qabiz is present at mutation and claims possession, but the person in possession does not admit his right, the Revenue Officer shall pass orders striking out the name of the Ghair Qabiz.

(d) If the person recorded as Ghair Qabiz is present and is in possession, but it is proved that he has obtained possession without the consent of the person recorded as Qabiz, the Revenue Officer shall pass orders striking out the name of the Ghair Qabiz as the person entitled to the right affected, but ordering his name to be shown as Qabiz of such rights in accordance with the facts ascertained, the party dispossessed being shown as Ghair Qabiz.

(e) In any case in which the Revenue Officer passes orders striking out the name of the Ghair Qabiz under this rule he shall inform the Ghair Qabiz that he is entitled to sue for restoration of his rights within the period prescribed by sub-para [1](II) of this paragraph, and shall record in his order that he has so informed him, and shall obtain the signature or thumb mark of the Ghair Qabiz in token of receipt of this intimation.

(9) If the Ghair Qabiz is not present at mutation, and his whereabouts are not known, the Revenue Officer shall pass orders striking out his name; or if his whereabouts are known, the Revenue Officer may give him such further opportunity of attending as he may think fit, or may communicate with him by interrogatories and may thereafter pass such orders on the mutation as he thinks proper, having regard to these rules.

(10) No effect shall be given to any order directing omission of the name of right-holder who has been entered as Ghair Hazir or Ghair Qabiz or directing the entry of the right-holder as Ghair Qabiz, until such order has been confirmed by a Revenue Officer not below the rank of [2][Collector] :

Provided that mutations for striking out the entry of Ghair Qabiz or Ghair Hazir under sub-para 8(a) of this paragraph, in which there is no dispute, may be decided by Tehsildar.

[3][x x x]

100. Sehat Indraj.—Sehat Indraj changes include the following cases :—

(1) Correction of clerical errors, such as in the name, caste, tribe, residence or other particulars, which do not practically affect any right in any way.

Note.—Sehat Indraj under this sub-para, will be made on Fard Badr mentioned in sub-paragraph 3 (b); in such cases no mutation need be entered in the register.

(2) Entry of a posthumous legitimate heir.

1. *Subs.* for '(ii)' by Revenue Department correction slip, published in Government Gazette, dated 31.2.1992/13.6.1935.
2. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "Assistant Settlement Officer or of Wazir-i-Wazarat".
3. Sub-paras 11, 12, 13, 14, 15 and 16 *omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.

(3) Sehat Indraj due to changes in the boundary between adjoining fields as found on spot in comparison with the boundary shown in the previous map, or due to difference of area owing to more correct measurements (Farqi-Paimaish).

Note.—During settlement operations no mutation is needed to give effect to changes mentioned in this sub-para, the Settlement Officer will in the case of each Illaqa lay down the limit of difference that may be thus corrected and enforced without resorting to order on mutation sheet. When settlement operations are not in progress, the changes mentioned in this sub-para should be brought on the mutation register.

[1][x x x]

101. Correction of area of village.—In cases of correction of the area of villages by transfer of land to, or from, other villages, or to or from the area Berun Line Deh, effect should be given to the alteration by mutation. In all cases of transfer of area from one estate to another the previous orders of the higher authorities on a separate file are necessary. If the transfer involves an alteration of the village Jamas, the sanction of the [2][Commissioner will be required; otherwise orders on such cases may be passed by the [3][Collector].

102. Tabdil Haqiyat.—This class will include cases :.

(i) when any defaulter's land is forfeited after taking all steps for realisation of the arrears and the land is bestowed on another person with or without the condition of payment of the arrears by him;

[4][(ii) x x x]

103. Mutations by order of Court.—All the above classes of mutations may include mutations "by order of the Court" or by order of [5][competent authority].

All such cases should be in red ink by the Patwari in the last column of the mutation sheet by giving the following particulars :—

No. of file; date of decision; brief names of parties; name and rank of officer and brief purport of order or decision.

Mutation must be sanctioned in these cases according to the order received; if it is found that possession is not in accordance with the orders; then the attesting officer should direct that the appropriate entries regarding possession according to the facts be made in the Kasht column.

1. Clauses 4, 5 and 6 of sub-para (1), sub-paras (2) and (3) and the note at the end *omitted* by Government Order No. LCB/7- C of 1957, dated 18.10.1957.
2. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "Revenue Minister".
3. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
4. Clause (ii) of para 102 *omitted* by Government Order No. LCB/7-C of 1957, dated 18.10.1957.
5. Subs. by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the words "superior authority".

104. Mutations against statutory laws are not recognised by law.—Transfers which are not recognised by law are void and cannot be enforced by mutation.

Mutation cannot be carried out of a transaction which contravenes an express provision of the statutory law.

105. Review and revision of mutations.—In case the review or revision of a mutation is accepted and if the original mutation has not been given effect to in the Jamabandi, then a note of the orders passed in review or revision should be made on the original mutation, but if the original mutation has been give effect to in the Jamabandi, then a note of the order on review or revision should be made on the original mutation and a fresh mutation should be written up and orders passed thereon.

106. Instructions for officers.—All Revenue and Settlement officials are required to make them selves familiar with all the instructions as detailed in these Hidayats which concern themselves or their subordinates. Superior officers should question their subordinates from time to time to see that they are acquainted with the instructions.

Any point which seems doubtful to any officer should be referred by him for the instructions of his superiors.

PART VI

PROCEDURE IN TEHSIL OFFICE

[1][107. (i) *Collection and remittance of Fees.*—The mutation fee shall be collected on spot by the Revenue Officer attesting the mutation who shall, [2][x x x], be responsible to credit the [3][same] into the Treasury.

(ii) The Revenue Officer shall get a list of fees due and paid on mutations attested by him prepared in duplicate by the Patwari, get it checked by the Girdawar and check it himself. He shall then send one copy of such list to the Tehsil with a note about the number and date of remittance of fees into the treasury together with the attested mutations properly listed and maintain the other copy of the list along with the treasury receipt with himself in a file which shall be sent by him every month to the Tehsil for verification and record. The Officer-in-charge of the Tehsil shall satisfy himself about the recovery and the remittance into the treasury of the fees before the attested mutations are taken over by the Tehsil Office Qanungo.

108. List of fees due.—Every year in the month of August in the Jammu Province and in the month of November in the rest of the State, the Patwari shall prepare for each village in his circle a list of fees due and paid on mutations attested for the past agricultural year and of the persons from whom the fees are still due. The Field Qantingo, when checking Jamabandis in the Tehsil, shall

1. Paras 107 to 109-A *substituted* for Original paras 107, 108 and 109 by C.O. No. 701-C of 1950, dated 23rd Har, 2007.
2. Words "after paying the Patwari and Girdawar his share" *omitted* by Notification No. SRO-48, dated 27.2.2008.
3. *Subs.* by Notification No. SRO-48, dated 27.2.2008, for the word "balance".

carefully check entries including those pertaining to mutation fees made in the list with the original mutations and certify that they are correct. Any mistake discovered by him shall be communicated by him to the Patwari who shall, after revising the list, if necessary, make it over to the Lambardar concerned who shall, pay the amount of unrecovered fees into the treasury [1][* * *] along with the land revenue due for the next harvest. [2][* * *]

109. Credit of fees to revenue deposit.

[3][* * *]

109-A. Statement of Demand and Recoveries of fees.—At the time of preparation of the Qistbandi, the Patwari shall give to Office Qanungo a list of the mutation fees due and paid in the following form :—

[4][Statement of Demand and Recoveries on account of Mutation Fees for the Year ending (Harvest.....).

No of Hadbast.	Name of Mauza.	Total mutation fees due from each estate.	Amount received/deposited in Treasury

The Office Qanungo must compare the list very carefully with mutations in his charge, and make the necessary entries in a register of mutation fees, after clearing up any discrepancy.

Tehsil officers should check some proportions of the entries in the register.

110. Fard fees for Wasil baqi-nawis and District office.—After full check, the Tehsildar should cause the Office Kanungo to supply one copy of the list for the whole Tehsil to the Tehsil Wasil-baqi-nawis for his guidance and should forward another copy to the [5][Collector].

[6]**111.** ***Omitted.***

[7]**112.** ***Omitted.***

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1. Words "less the share to which the Patwari and Girdawar are entitled" *omitted* by Notification No. SRO- 48, dated 72.2008.
2. Words "The Patwari's and Girdawar's share, if any, will he paid direct by the Lambardar to the Patwari and Girdawar from whom he shall obtain a receipt. This receipt must be produced by the Lambardar when fees are paid into the treasury and in its absence no deduction of account of Patwari's and Girdawar's share of the fees will be allowed by Tehsildar" *omitted* by Notification No. SRO-48, dated 27.2.2008.
3. *Omitted* by Notification No. SRO-48, dated 27.2.2008.
4. *Ins.* by Notification No. SRO-48, dated 27.2.2008
5. *Subs.* by Government Order No. LCB/7-C of 1957, dated 18.10.1957, for the word "Wazir-i-Wazarat".
6. *Omitted* by Cabinet Order No. 701-C of 1950, dated 20.6.1950.
7. *Omitted* by Cabinet Order No. 701-C of 1950, dated 20.6.1950.